



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

VIA FACSIMILE AND U.S. MAIL

May 29, 2001

Robert E. Cattanach, Esquire
Dorsey & Whitney LLP
Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402-1498
FAX: (612) 340-2807

Re: United States of America v. Metropolitan Council
Civil No. 99-1105 DWF/AJB

Dear Mr. Cattanach:

This letter is written to advise you that the United States Environmental Protection Agency (U.S. EPA) is concerned about the performance of the multiple heart incinerators located at the Metropolitan Council's Wastewater Treatment Plant in St. Paul, Minnesota (Met). Our concerns are based upon our review of the reports submitted pursuant to paragraph 9.e. of the Consent Decree by Met for the months of July, August, September, and October in 2000 and for the months of February, March, and April in 2001.

As you will recall, prior to filing our motion for entry of the consent decree in this matter, U.S. EPA advised Met of our concerns regarding an excessive number of damper openings for the months of July, August, and September of 2000. Met claimed that the excessive number of openings were largely caused by problems associated with the installation and start-up of new computer control equipment, and indicated that the frequency of the damper openings would decrease after the new equipment was on line and operational.

We understand that the new equipment has been on-line now for several months. However, there are still frequent damper openings. Below is a summary of the number of openings for each month for which Met has submitted a report to U.S. EPA:

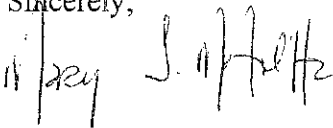
July, 2000	--	18
August, 2000	--	13
September, 2000	--	28
October, 2000	--	19
February, 2001	--	7
March, 2001	--	9
April, 2001	--	16

The reports of damper openings provided by Met to U.S. EPA note the causes for each opening and the actions taken to rectify the problem. While U.S. EPA does not have access to any of the information available to Met with respect to the causes of these openings, based upon what Met has identified as causes, about half of the causes seem to be related to problems with the induced draft fans.

As you are aware, while the duration of each opening varies, most of the emissions that may be released from emergency dampers are released instantaneously. Given the performance of the dampers, and the fact that Met is operating in a area designated as non-attainment for PM-10, it is appropriate for us to begin to discuss additional compliance measures to reduce the frequency of Met's damper openings. We propose a meeting in Chicago, Illinois on the following dates: Monday, June 4th; Wednesday, June 6th; or Thursday, June 12th. Randall Stone from the United States Department of Justice, Erik Hardin from the Air and Radiation Division and I will be in attendance. Please invite appropriate technical and legal representatives to this meeting. Based upon the nature and gravity of Met's performance, we do not think that a conference call is appropriate.

After you have had the opportunity to confer with Met's representatives, please advise me of your preferred meeting date, and I will make arrangements for a meeting room. I may be reached at (312) 886-6237.

Sincerely,



Mary T. McAuliffe
Associate Regional Counsel

cc: Randall M. Stone, DOJ